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REMARKS

The present Amendment and Response is intended to be fully responsive to all points of objections and/or rejections raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Applicant asserts that the present invention is new, non-obvious and useful. Prompt reconsideration and allowance of the claims are respectfully requested.

Priority Data

The Application as filed is a national phase application of International Application No. PCT/EP2004/007352, with international filing date, July 6, 2004. Accordingly, the present Application has a priority date of July 6, 2004. Applicant respectfully requests correction for the entry of this date.

Amendments to the Specification

The specification has been amended to correct figure numberings and spelling and to include prior application data. These amendments add no new matter.

Amendments to the Abstract

In the Office Action, the Examiner objected to the abstract of the disclosure because it exceeded 150 words. Accordingly, the abstract has been amended to reduce the number of words to be 149. This abstract is submitted in compliance with MPEP § 608.01(b). Therefore, Applicant respectfully requests that the Examiner's objection to the abstract be withdrawn.

Status of the Claims

Claims 1-6 have been cancelled herein, without prejudice. New Claims 7-11 have been added to replace prior listed claims. No new matter has been added.

Drawing Objections

In the Office Action, the Examiner objected to the drawings under 37 CFR 1.83(a) for not showing every feature of the invention specified in the claims. Specifically, the "plurality of hollow spaces" of claim 4 were not previously shown. Accordingly, Applicant submits herewith a new Figure 3B, concurrently with this paper, showing the "plurality of hollow spaces" (numbered respectively as HKN.1 and HKN.2). In addition, an amended Figure 3 is submitted herewith, which has been renumbered as Figure 3A, to coordinate figure

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numberings. No other amendments have been made to this figure. No new matter has been added. These figures are submitted in compliance with 37 CFR 1.121(d). Accordingly, Applicant respectfully requests that the Examiner's objection to the drawings be withdrawn.

Claim Objections

In the Office Action, the Examiner objected to Claims 1 and 2 because of informalities and claims 5 and 6 as being in improper form. Claims 1, 2, 5, and 6 have been cancelled herein. Therefore, the objection of claims 1, 2, 5, and 6 is moot. New claims 7-11 have been added, and do not include the informalities noted by the Examiner. Accordingly, Applicant respectfully requests that the Examiner's objection to the claims be withdrawn.

Claim Rejections – New Claims

Claim Rejections - 35 USC §112

In the Office Action, the Examiner rejected claims 1-4 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the term "at least approximately" renders claims 1-4 indefinite. Claims 1-4 have been cancelled herein. Therefore, the rejection of claims 1-4 is moot. New claims 7-11 are in compliance with 35 U.S.C. 112, second paragraph.

In the Office Action, the Examiner asserts that the angular spacing of the hollow space arrangement is indefinite. Applicant respectfully disagrees. For example, the position and function of each of angular spacings (av) and (ah) of the hollow space arrangement is described, e.g., on the paragraph starting on page 3, line 22 and ending on page 4, line 4 and the paragraph on page 7, lines 5-12 in the Application. Furthermore, the angular spacings (av) and (ah) of the hollow space arrangement are pointed to and labeled in each of Figs. 3A and 3B.

Claim Rejections - 35 USC §102

In the Office Action, the Examiner rejected claims 1-3 under 35 U.S.C. §102(b) as being anticipated by Takahashi (US Patent 4,132,510). Applicant respectfully traverses the rejections of Claims 1-3 under 35 U.S.C. § 102(b) as being anticipated by Takahashi in view of the remarks that follow.

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Claims 1-3 have been cancelled herein and thus, the rejection thereof is moot. Accordingly, Applicant respectfully requests that the rejections of claims 1-3 under 35 U.S.C. § 102(b) as being anticipated by Takahashi, be withdrawn.

New Claim 7 includes, inter alia, a “hollow space arrangement ... which permits a flow of the fluid lubricant ... [having] at least one hollow space in the form of a groove (HKN) extending along a semicircular peripheral section of the stroke member”, where the hollow space includes a “boundary which extends at least section-wise with a spacing from the boundaries of the bearing surface (L1)”.

Takahashi does not teach at least this feature. Takahashi teaches space 33, this space lacks a “boundary which extends at least section-wise with a spacing from the boundaries of the bearing surface (L1).”

As shown in two perpendicular views of the oil supply hole 29 and area 33 in Figs. 1 and 8 of Takahashi, the oil supply hole 29 is a cylindrical channel having straight (e.g., not circumferential or otherwise curved) sides, and space 33 is a small space lacking any boundary as described in Applicants claim 7.

Some embodiments of Applicants' claim 7, can prevent back-flow in a high pressure phase. The very limited hollow space of Takahashi does not prevent back-flow during a high pressure phase.

Applicant therefore respectfully asserts that new claim 7, and claims 8-11 dependent therefrom, are not anticipated by Takahashi.

Claim Rejections - 35 USC §103

In the Office Action, the Examiner rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Takahashi in view of Daniel et al. (U.S. Patent No. 5,493,952). Applicant respectfully traverses this rejection.

Claim 4 has been cancelled herein and thus, the rejection thereof is moot. Accordingly, Applicant respectfully requests that the rejection of claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Takahashi in view of Daniel, be withdrawn.

Claims 7-11, as discussed above, are allowable over Takahashi. It is respectfully submitted that the addition of Daniel does not cure the deficiencies of Takahashi. It is

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therefore respectfully submitted that claims 7-11 are allowable and that the rejection under 35 U.S.C. § 103 (a) be withdrawn.

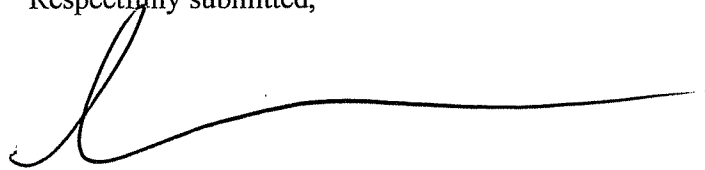
Conclusion

In view of the foregoing amendments and remarks, Applicants assert that the pending claims are allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any questions or comments as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Except for the fees for the Petition for Two Months Extension of Time, being paid separately, no additional fees are believed to be due associated with this paper; however, if any such fees are due, please charge such fees to deposit account No. 50-3355.

Respectfully submitted,



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